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**An Bille um Chosaint Tomhaltóirí (Dearbháin Bhronntanais), 2018**  
**Consumer Protection (Gift Vouchers) Bill 2018**

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*Mar a tionscnaíodh*

*As initiated*

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**AN BILLE UM CHOSAINN TOMHALTÓIRÍ (DEARBHÁIN BHRONNTANAIS), 2018**  
**CONSUMER PROTECTION (GIFT VOUCHERS) BILL 2018**

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ACTS REFERRED TO

Consumer Protection Act 2007 (No. 19)

Consumer Protection Acts 2007 and 2014



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**AN BILLE UM CHOSAINT TOMHALTÓIRÍ (DEARBHÁIN BHRONNTANAIS), 2018  
CONSUMER PROTECTION (GIFT VOUCHERS) BILL 2018**

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# Bill

*entitled*

An Act to amend the Consumer Protection Act 2007; and to provide for related matters. 5

**Be it enacted by the Oireachtas as follows:**

## **Definition**

1. In this Act, “Act of 2007” means the Consumer Protection Act 2007.

## **Gift vouchers**

2. The Act of 2007 is amended by the insertion of the following Part after Part 4: 10

“Part 4A

### GIFT VOUCHERS

#### **Definition and application**

- 66A.** (1) In this Part, ‘gift voucher’ means any voucher, coupon or other document or thing supplied by a trader to a consumer that is intended to be used as a substitute for money in the payment, in whole or in part, for goods or services or otherwise exchanged for goods or services but does not include any instrument that is— 15
- (a) usable only for the purposes of the purchase, at a discounted price, of specified goods or services, from a specified trader or traders, on a specified date or for a specified period of a limited duration, 20
  - (b) supplied under a customer loyalty or promotional scheme, or
  - (c) supplied to a consumer by a trader by way of a refund for goods returned by the consumer to the trader.
- (2) This Part applies to a gift voucher that is supplied on or after the date on which this subsection comes into operation. 25

#### **Gift vouchers**

- 66B.** (1) Subject to subsection (6)(b), a trader shall not supply a gift voucher to a consumer unless—

- (a) the gift voucher is subject to no expiry date, or
  - (b) the gift voucher is subject to an expiry date not less than 5 years from the date on which it was supplied.
- (2) A trader who supplies a gift voucher to a consumer shall, on a durable medium, inform the consumer of the expiry date, if any, to which the gift voucher is subject. 5
- (3) A gift voucher that is subject to an expiry date less than 5 years from the date on which it was supplied shall be effective as if it had an expiry date of 5 years from the date on which it was supplied.
- (4) A trader shall not require a consumer to redeem the full value of a gift voucher in a single transaction. 10
- (5) Subject to subsection (6), where a consumer redeems only a portion of the value of a gift voucher and the remaining balance of the value of the gift voucher is more than €1, the trader shall reimburse the remaining balance to the consumer. 15
- (6) (a) A trader may elect to reimburse the remaining balance referred to in subsection (5) by way of—
- (i) cash, or
  - (ii) a gift voucher.
- (b) Where a trader elects to reimburse the remaining balance referred to in subsection (5) by way of a gift voucher, the gift voucher concerned shall have an expiry date not earlier than the expiry date of the gift voucher referred to in the said subsection (5). 20
- (7) (a) A trader shall not—
- (i) refuse to accept a gift voucher in relation to which this subsection applies from a consumer other than the consumer named on the gift voucher concerned, or 25
  - (ii) charge a fee for amending or changing the name of the consumer named on a gift voucher in relation to which this subsection applies. 30
- (b) In this subsection, ‘gift voucher in relation to which this subsection applies’ means a valid gift voucher that is subject to a requirement that it be used by a named consumer.
- (8) A trader who contravenes subsection (1), (2), (4), (5) or (7) commits an offence and is liable on conviction on indictment or on summary conviction to the fines and penalties provided in Chapter 4 of Part 5. 35
- (9) In this section—
- ‘durable medium’ means any medium for providing information to a consumer, including paper and e-mail, that—

(a) enables a consumer to store the information in a way that renders it accessible for future reference for a period of time adequate for the purposes of the information, and

(b) allows the unchanged reproduction of the stored information;

‘expiry date’ means the date on which a gift voucher ceases to be usable for the purposes of the purchase of goods or services.” 5

### **Consequential amendments to Act of 2007**

3. The Act of 2007 is amended—

(a) in section 67, by the insertion of the following paragraph after paragraph (k):

“(l) any contravention of section 66B,” 10

and

(b) in section 90(1), by the substitution of the following paragraphs for paragraph (g):

“(g) the provisions of the European Union (Online Dispute Resolution for Consumer Disputes) Regulations 2015 (S.I. No. 500 of 2015); 15

(h) the provisions of Part 4A.”.

### **Short title, collective citation and commencement**

4. (1) This Act may be cited as the Consumer Protection (Gift Vouchers) Act 2018.

(2) The Consumer Protection Acts 2007 and 2014 and this Act may be cited together as the Consumer Protection Acts 2007 to 2018. 20

(3) This Act shall come into operation on such day or days as the Minister for Business, Enterprise and Innovation may appoint by order or orders either generally or with reference to any particular purpose or provision, and different days may be so appointed for different purposes or different provisions.

An Bille um Chosaint Tomhaltóirí  
(Dearbháin Bhronntanais), 2018

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# BILLE

*(mar a tionscnaíodh)*

*dá ngairtear*

Acht do leasú an Achta um Chosaint Tomhaltóirí,  
2007; agus do dhéanamh socrú i dtaobh nithe  
gaolmhara.

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*An Seanadóir Diarmuid Ó Buitiméir a thíolaic thar  
ceann an Aire Gnó, Fiontar agus Nuálaíochta,*

*19 Nollaig, 2018*

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Consumer Protection (Gift Vouchers) Bill  
2018

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# BILL

*(as initiated)*

*entitled*

An Act to amend the Consumer Protection Act 2007;  
and to provide for related matters.

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*Presented by Senator Jerry Buttimer on behalf of the  
Minister for Business, Enterprise and Innovation,*

*19th December, 2018*

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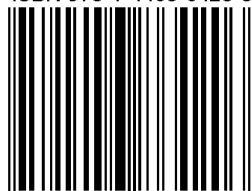
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